

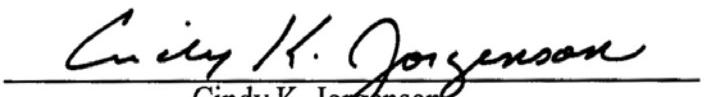
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,) No. CR-11-3599-TUC-CKJ (LAB)
)
Plaintiff,)
)
vs.) **ORDER**
)
LUIS MIGUEL RAYGOZA-LEYVA,)
)
Defendant.)

On July 5, 2012, Magistrate Judge Leslie A. Bowman issued a Report and Recommendation [Doc. 46] in which she recommended the denial of Defendant Raygoza-Leyva's Motion to Suppress Evidence/Statements [Doc. 26], finding that "[T]he defendant's initial encounter with the agents was consensual. When the encounter ripened into an investigative detention, the agents had reasonable suspicion. When the investigative detention ripened into an arrest the agents had probable cause. Until his formal arrest, the defendant was not "in custody" for the purposes of *miranda*." R & R [Doc. 46] at 1-2. No objections have been filed within the time provided by 28 U.S.C. § 636(b)(1). Further, pursuant to Rule 59, Federal Rules of Criminal Procedure, failure to file an objection waives a party's right to review.

Accordingly, after an independent review, IT IS ORDERED that the Report and Recommendation [Doc. 46] is ADOPTED.

Dated this 31st day of July, 2012.



Cindy K. Jorgenson
United States District Judge